

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 6-12 and 17-22 are pending in the present application. Claims 1 and 12 are amended by the present amendment. Support for amended Claims 1 and 12 can be found in the original specification, claims and drawings.¹ No new matter is presented.

In the Office Action, Claims 1, 7-10, 12, 18, and 19-21 are rejected under 35 U.S.C. § 103(a) as unpatentable over Gallant et al. (U.S. Pat. 5,802,468, herein Gallant) in view of Wells et al. (U.S. Pat. 5,870,683, herein Wells) and Tiedemann, Jr. et al. (U.S. Pat. 5,862,471, herein Tiedemann); Claims 6 and 17 are rejected under 35 U.S.C. § 103(a) as unpatentable over Gallant in view of Wells, Tiedemann and Hubbe et al. (U.S. Pat. 6,667,748, herein Hubbe); and Claims 11 and 22 are rejected under 35 U.S.C. § 103(a) as unpatentable over Gallant in view of Wells, Tiedemann and Fogarty (U.S. Pat. 6,311,180, Fogarty).

As an initial matter Applicants appreciatively acknowledge the courtesy extended by Examiner Huynh in holding a personal interview with the undersigned on June 16, 2009. During the interview, an overview of the invention was presented and proposed claim amendments were discussed. As noted in the Interview Summary, Examiner Huynh agreed that the proposed amendments incorporating features from Fig. 5 of the disclosure “overcomes the previously cited references”. In response, Claims 1 and 12 are amended as proposed during the interview.

Specifically, independent Claim 1, for example, is amended to recite a method for providing a background image for a display of a communication device, comprising:

a) automatically selecting background images to be displayed, from said stored background images, according to pre-set parameters received from a base station;

¹ e.g., specification at Fig. 5 and p. 6, ll. 23-33.

- b) retrieving the data of said automatically selected background images from said memory, wherein said preset parameters are received independent from the storing and retrieving of said data of said background images; and
- c) displaying said retrieved background images in sequence as defined by said pre-set parameters on said display of said communication device, wherein step b) comprises sending a request for the transmission of the background image data to a base station upon a registering process ***only after it is determined that no background images stored locally at the communication device correspond to a network operator with which the communication device has registered***, and receiving the requested background image data from the base station.

Independent Claim 12, while directed to an alternative embodiment, is amended to recite similar features.

As described in an exemplary embodiment at Fig. 5 and p. 6, ll. 23-33 of the specification, upon registering at the base station, the selecting means 120 in the communication device may request for the base station to send a background image “only if a background image relating to the identity of the network operator could not be found in the collection of images in one of the memories.”

At p. 4, the Office Action concedes that the combination of Gallant and Wells “does not teach that the retrieving the data of said automatically selected background images comprises sending a request for the transmission of the background image data to a base station upon a registering process ...” In an attempt to remedy this deficiency, the Office Action relies on Tiedemann and asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to arrive at Applicants’ claims. Applicants respectfully submit, however, that Tiedemann fails to teach or suggest the more detailed features directed to sending a request for the transmission of the background image data, as recited in amended independent Claims 1 and 12.

Tiedemann describes a method and apparatus for providing a mobile station user with information about anticipated roaming charges. As described in the abstract, a visitor communication system transmits a graded roaming signal to the mobile station user indicative

of the anticipated roaming costs. This roaming signal is transmitted to the mobile station prior to or during call set-up, and an indication of the roaming signal is displayed by the mobile station.²

Therefore, the Office Action appears to equate the roaming signal in Tiedemann with the background image data recited in independent Claims 1 and 12. However, merely entering a visitor communication system and automatically receiving the graded roaming signal upon registration, as is the case in Tiedemann, is not the same as “***sending a request for the transmission of the background image data to a base station upon a registering process***”, as recited in independent Claims 1 and 12. In Tiedemann, the roaming signal is automatically transmitted in response to a registration at the visitor communication system, while independent Claims 1 and 12 clearly recite that a request for the transmission of the image data is sent “***upon a registering process***”.

Moreover, Claims 1 and 12, as amended, recite that the request for the background image data is sent “***only after it is determined that no background images stored locally at the communication device correspond to a network operator with which the communication device has registered***”. Tiedemann also fails to teach or suggest this claimed feature.

Accordingly, Applicants respectfully request that the rejection of Claim 1 (and the claims that depend therefrom) under 35 U.S.C. § 103(a) be withdrawn. For substantially similar reasons, it is also submitted that independent Claim 12 (and the claims that depend therefrom) patentably define over Gallant and Wells.

The Office Action further rejects Claims 6, 11, 17 and 22 under 35 U.S.C. § 103(a) as unpatentable over Gallant in view of Wells, Tiedemann and Fogarty or Hubbe. Applicants note that each of these claims ultimately depend from independent Claims 1 or 12,

² Tiedemann, col. 3, ll. 40-45.

respectively, and are believed to be patentable for at least the reasons discussed above.

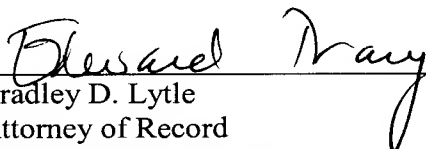
Further, it is respectfully submitted that neither Fogarty nor Hubbe remedy any of the above-noted deficiencies of Gallant, Wells and Tiedemann.

Accordingly, Applicants respectfully request that the rejection of Claims 6, 11, 17 and 22 under 35 U.S.C. § 103 be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1, 6-12 and 17-22 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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